

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: February 23, 2004

Opposition Nos. 91113622;
91113829; 91113910;
91114047; 91114217;
91114406; 91114435;
91114509; 91114510; and
91114853

TRUSTEES OF THE TRUST NUMBER
SR-1

v.

SLC TURNBERRY LIMITED

Opposition Nos. 91153231;
91155097; 91155103;
91155549; 91155566;
91157382; and 91157469

SLC TURNBERRY LIMITED

v.

TRUSTEES OF THE TRUST NUMBER
SR-1

Cindy B. Greenbaum, Attorney:

Opposition Nos. 91113829, 91114047, 91114435 and 91114853

On December 29, 2003, applicant SLC Turnberry Limited ("SLC") was ordered to show cause why judgment should not be entered against it in accordance with Fed. R. Civ. P. 55(b) for failure to file answers in Opposition Nos. 91113829, 91114047, 91114435 and 91114853.

In response, SLC faxed copies of the consented motion to extend its time to file the answers, copies of the timely filed answers, and copies of the postcards showing that the Office had received the original consented motions on June 14, 2000 and the original answers on August 14, 2000.

It appears that the original answers have been lost, and that the notices of default were issued in error as to these four oppositions. Accordingly, the four notices of default are vacated.

Opposition No. 91157382

On December 29, 2003, applicant Trustees of the Trust SR-1 ("SR-1") was ordered to show cause why judgment should not be entered against it in accordance with Fed. R. Civ. P. 55(b) for failure to file an answer in Opposition No. 91157382.

The record clearly shows that SR-1's failure to file a timely answer in this opposition proceeding was neither willful nor unduly prejudicial, but due to an inadvertent typographical error in the opposition number stated in the caption of the answer. Specifically, SR-1 erroneously filed an answer in consolidated opposition no. 91155097 which answer should have been filed in opposition no. 91157382. SR-1 did not discover the error until it received the Board's December 29, 2003 order to show cause.

The Board is persuaded that the foregoing reason constitutes good cause to set aside applicant's default. *See Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly, SR-1's motion to set aside its default is granted, and the answer filed as an attachment to said motion is accepted.

Proceedings are RESUMED. The parties are allowed THIRTY DAYS from the mailing date of this order to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

DISCOVERY PERIOD TO CLOSE: **August 21, 2004**

Thirty-day testimony period for party in position of plaintiff to close: **November 19, 2004**

Thirty-day testimony period for party in position of defendant to close: **January 18, 2005**

Fifteen-day rebuttal testimony period to close: **March 4, 2005**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.